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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,411	08/25/2003	Michel K. Bowman-Amuah	60021-376302	2655

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MINNEAPOLIS, MN 55402-1609

EXAMINER

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
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3688

MAIL DATE	DELIVERY MODE
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07/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,411

Applicant(s)

BOWMAN-AMUAH, MICHEL K.

Examiner

Raquel Alvarez

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/16/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8-17, 20 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-17, 20 and 22-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 5/1/08, 7/9/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to communication filed on 4/16/2008.
2. Claims 811-3, 8-17, 20 and 22-33 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-20 and 22-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby (6,647,257 hereinafter Owensby) in view of Knuttson et al. (6,920,319 hereinafter Knuttson) further in view of Bergqvist (7,154,056 hereinafter Bergqvist).

With respect to claims 1, 4-6, 8, 10-15, 18-20, 22, 24-33 Owensby teaches a method for delivering context-sensitive advertising to a user via a delivery framework (Abstract). Receiving a signal within the delivery framework from a mobile wireless device, the signal comprising a call (col. 12, lines 4-24); identifying from the signal an identifier associated with the mobile wireless device; ascertaining from the signal a state of the mobile wireless device, the state indicating availability of the mobile wireless device to receive context sensitive advertising (i.e. identifying the mobile ID and verifying the direct call signal communication with the mobile device)(col. 12, lines 4-37 and col. 15, lines 32-67); determining from the signal a location of the mobile device

within the delivery framework (col. 12, lines 38-60); updating the identifier, state, and location in a profile database utilizing a context engine within the delivery framework (col. 12, lines 38-60); associating the location of the mobile wireless device and a landmark in the profile database; selecting advertisements from the advertisements database based on the identifier, state, location, and landmark of the mobile device utilizing the context engine; and transmitting the advertisements to the mobile wireless device (col. 14, lines 63 to col. 15, lines 1-31 and col. 16, lines 3-21).

With respect to continuously updating a user profile based on access to advertisements, mobile device location at time of access to advertisements. Owensby teaches on col.5, lines 46-67, updating the user's location and the user's preferences within that location. For example, based on the location of the subscriber. E.g. restaurant area, and the types of food that the user typically prefers while visiting such an area the system will output a **"targeted advertisement for a restaurant in the area that serves a type of food preferred by the subscriber"** and the **"The Historical Response Data is acquired and updated continuously as the wireless communications service is utilized by the subscriber to determine the most recent responses to the targeted messages previously provided to the subscriber and the historical movement patterns of the subscriber."**

With respect to device access of network sites indicative of user preferences. Applicant admitted on "General Background and State of the Art" paragraphs 0004 and 0005 that " One common method used to identify prior visitors of a particular web

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site is for the network server to generate and transmit a "cookie" to the user & a point-of-sale (POS) computer when the user visits a web site for the first time. Later when the user returns to the web site, the network server detects the "cookie" and regards the user as a return visitor. With this information, the network server can then transmit new data or advertisements to the user not originally transmitted to the user during the first visit." Therefore it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included device network sites indicative of user preferences as admitted by the Applicant in order to allow ads that are targeted based on the user previously visited sites.

With respect to the wireless device being able to transmit a call signal and a ping signal that is independent of communication initiated from the mobile wireless device. Owensby teaches transmitting a call signal. Owensby doesn't specifically teach transmitting a ping signal that is independent of communication initiated from the mobile wireless device. Knuttson teaches on col. 3, lines 37-42 "the server can push such location dependent information to the wireless devices as they migrate through the network formed by the wireless access points". It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the invention of Owensby the teachings of Knuttson of advertisements to be **pushed** to the mobile device independent of communication initiated from the mobile device because such a modification would allow advertisements to be sent to the user without the user

having to initiate an action and therefore will provide a convenient and easy way to receive ads.

enabling the user to switch devices and location-unique user profiles, wherein one or more location-unique user profiles are associated with the user, wherein the mobile wireless device supports selecting the location-unique user profile from one of a plurality of users, and wherein each location-unique user profile is accessible via a plurality of mobile wireless devices and transmitting the advertisements to the mobile wireless device. Owensby teaches location user profile. Bergqvist teaches the user selecting from a plurality of aliases such as **private person, employee of a company**, etc. based on the users characteristics/ profile or location of the user (col. 4, lines 10-18 and 44-52). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the identifier includes an alias selected from a user from plurality of available aliases and wherein the user profile is unique to the selected profile because such a modification would provide a **convenient way of providing....selected personal data relating to the role of the user** (in Bergqvist, col. 4, lines 14-18).

With respect to claims 2-3, 16-17 Owensby further teaches that the wireless device is a cellular phone utilizing cellular technology (see Figure 1).

With respect to claims 9 and 23, Owensby further teaches that the state includes at least one of ON state (i.e. the state of the mobile device is verified by the direct call

signal communication with the device, therefore the state of the mobile device has to be On in order to signal direct communication with the device (col. 12, lines 4-37).

Response to Arguments

With respect to continuously updating a location-unique user profile, wherein the location-unique user profile is based on access to advertisements, mobile wireless device location at time of access o advertisements, and device access of network sites indicative of user preferences-and wherein the location unique user profile is unique to the location. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Examiner wants to point out that in Owensby a **Historical Response Data** is acquired and **updated continuously** as the wireless communications service is utilized by the subscriber to determine the **most recent responses to the targeted messages previously provided to the subscriber**. The Official Notice taken was merely to teach access of network sites indicative of user preferences (Examiner is citing Applicant Background to support the official notice taken, see above for detailed analysis). The combination of the references teaches the claimed invention.

With respect to the wireless device being able to transmit a ping signal that is independent of communication initiated from the mobile wireless device. The arguments are moot. See new ground of rejection above.

With respect to location alias selected by the user from a plurality of available aliases. Applicant argues that *Owensby* does not teach or suggest the ability to enable multiple users to have multiple profiles, nor the use of profiles which may be applied throughout multiple mobile wireless devices. The Examiner wants to remind Applicant that *Bergqvist* was the reference cited to teach the user selecting from a plurality of aliases such as **private person, employee of a company**, etc. and *Owensby* was cited for teaching receiving location information. Therefore it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the location dependent information of *Owensby* to be based on user selected aliases for that location because such a modification would allow another layer of further targeting the information received and classifying the information based on the location and additionally classifying the location based on the user's selected preference for that particular location.

Point of contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/
Primary Examiner, Art Unit 3688

Raquel Alvarez
Primary Examiner
Art Unit 3688

R.A.
7/18/2008